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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/765,491	STEWART, CHRISTOPHER
		Examiner	Art Unit
		Jason K. Lin	2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 April 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13,38,39 and 49-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed..

6)☒ Claim(s) <u>1-13,38,39 and 49-56</u> is/are rejected.·

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01/26/2004</u> is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is responsive amendment to application No. 10/765,491 filed on

04/13/2007. **Claims 1-13, 38-39, and 49-56** are pending and have been examined.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-13, 38-41, 49-50 have been

considered but are moot in view of the new ground(s) of rejection.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

05/09/2007 has been entered.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-8, 11, 13, 49, and 51-54** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stumphauzer, II (US 2003/0014767), in view of Hendricks (US

6,201,536), and further in view of Shah-Nazaroff et al. (US 2002/0053077).

Consider **claim 1**, Stumphauzer teaches an interactive entertainment

system (Fig.1) comprising:

a system server (Fig.1, 1100), said system server residing at a

communication center (Transmission Facility Fig.1, 1010);

a system memory (Paragraph 0015 teaches prerecorded programming. It

is inherent that there is a system memory in order to store the prerecorded

programming), said system memory residing at a communication center

(Paragraph 0015 teaches Transmission facility Fig.1, 1010 [communication

center] that includes studios that produce programming for broadcast and include

numerous titles of prerecorded programming);

a plurality of entertainment files stored on the system memory (Paragraph

0015 teaches numerous different titles of prerecorded programming such as

music, radio shows, television programs, etc.), the plurality of entertainment files

for streaming transmission over a respective plurality of channels in a first

communication network (Paragraph 0021 teaches numerous channels

transmitted from satellite Fig.1, 1020 to a receiver Fig.1, 1040. The channels

may contain different genre types of content. Paragraph 0015 teaches that

programming can be any type of programming such as music, radio shows,

television programs, etc.);

user rating information for said entertainment files for at least one user

stored on the memory, where the system server retrieves the user rating

information for streaming transmission in the first communication network

(Paragraph 0032 teaches storing the playlist containing rating information for each desired song. Paragraph 0034-0035 teaches transmitting and downloading the playlist to the user device through multiple transmission methods);

a receiver (Fig.1, 1040, Fig. 2), where the receiver receives the user rating information (Paragraph 0034-0035) and is selectively tuned to one of said plurality of channels in a first communication network based on the user rating information to retrieve a preferred streaming entertainment file (Paragraph 0046-0050 teaches automatically tuning to the specified channel containing content with a rank higher than the current content being played. This is done by comparing the PDT {guide} with the user playlist {user's preferences} and matching the corresponding preferred content);

a user output device, where said output device plays the preferred streaming entertainment file (Paragraph 0049-0050 teaches tuning to the preferred content. Paragraph 0018 teaches processing a signal that provides broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170).

Stumphauzer fails to disclose the system memory includes a system database residing at a communication center and is accessible by the system server;

a plurality of entertainment files stored on a system database are retrieved by a system server for streaming, and

user rating information stored on the system database;

a user input device, where said user input device enables a user to

interact with the system server and the system database via the receiver, where

the user provides real time feedback regarding said entertainment files to update

the user rating information stored on the system database for retrieval during

subsequent streaming.

In an analogous art, Hendricks teaches a system database residing at a

communication center and is accessible by the system server (databases 262 –

Fig.3a, file server 215 – Fig.3a are accessible by the headend 208 – Fig.2)

a plurality of entertainment files stored on a system database are retrieved

by a system server for streaming (databases 262 – Fig.3a, file server 215; Col

28: lines 32-45), and

user rating information stored on a system database (databases 262 –

Fig.3a; Col 26: lines 24-27, 28-31);

Therefore, it would have been obvious to one of ordinary skill in the art to

modify Stumphauzer's system to include a system database residing at a

communication center and is accessible by the system server; a plurality of

entertainment files stored on a system database are retrieved by a system server

for streaming; user rating information stored on a system database, for the

advantage of offering more efficient control and centralized means for

indexing/retrieving of information for transmission over the network.

Stumphauzer and Hendricks teaches fails to teach a user input device,

where said user input device enables a user to interact with the system server

and the system database via the receiver, where the user provides real time

feedback regarding said entertainment files to update the user rating information

stored on the system database for retrieval during subsequent streaming.

In an analogous art Shah-Nazaroff teaches a user input device, where

said user input device enables a user to interact with the system server and the

system database via the receiver, where a user provides real time feedback

regarding said entertainment files to update the user rating information stored on

the system database for retrieval during subsequent streaming (Paragraph 0042,

0051-0052 teaches an input device; Paragraph 0025, 0027-0032).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Stumphauzer and Hendricks to include a user input

device, where said user input device enables a user to interact with the system

server and the system database via the receiver, where a user provides real time

feedback regarding said entertainment files to update the user rating information

stored on the system database for retrieval during subsequent streaming, as

taught by Shah-Nazaroff, for the advantage of providing real-time information to

the provider in order to determine content of interest and also providing clients an

easy way to determine desirable content from the content that is currently

available.

Consider **claim 49**, Stumphauzer teaches a method of transmitting

entertainment files through a receiver comprising the steps of (Fig. 1, Paragraph

0013):

a. storing a plurality of entertainment files and user rating information for at

least one user in memory (Paragraph 0015 teaches Transmission facility Fig.1,

1010 [communication center] that includes studios that produce programming for

broadcast and include numerous titles of prerecorded programming, therefore it

must have a memory for storage of prerecorded programming. Paragraph 0032

teaches storing the playlist containing rating information for each desired song);

b. Streaming the user information via first communications network to the

receiver (Paragraph 0034-0035 teaches transmitting and downloading the playlist

to the user device through multiple transmission methods);

c. streaming a plurality of entertainment files on a respective plurality of

channels to the receiver via the first communication network (Paragraph 0021

teaches numerous channels transmitted from satellite Fig.1, 1020 to a receiver

Fig.1, 1040. The channels may contain different genre types of content.

Paragraph 0015 teaches that programming can be any type of programming

such as music, radio shows, television programs, etc.);

d. selectively tuning an input of the receiver to one of said channels to

retrieve one of the entertainment files based upon the user rating information to

the currently streaming files (Paragraph 0046-0050 teaches automatically tuning

to the specified channel containing content with a rank higher than the current

content being played. This is done by comparing the PDT [guide] with the user

playlist [user's preferences] and matching the corresponding preferred content)

and directing the retrieved file to a receiver output (Paragraph 0018 teaches

processing a signal that provides broadcast output of the signal for listening by a

user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and input/output

device(s) Fig.2, 2170); and

e. directing the streaming entertainment file from the receiver output to a

user output device that plays the streaming entertainment file (Paragraph 0018

teaches processing a signal that provides broadcast output of the signal for

listening by a user. Fig. 2 and paragraph 0020 teaches a display Fig.2, 2160 and

input/output device(s) Fig.2, 2170); and

Stumphauzer fails to disclose a plurality of entertainment files and user

rating information is stored on a system database;

f. providing real time user feedback regarding said entertainment files to

update the user rating information stored on the database for subsequent

streaming.

In an analogous art, Hendricks teaches a plurality of entertainment files

and user rating information stored on a system database (databases 262 –

Fig.3a, file server 215; Col 28: lines 32-45; Col 26: lines 24-27, 28-31), and

Therefore, it would have been obvious to one of ordinary skill in the art to

modify Stumphauzer's system to include a plurality of entertainment files and

user rating information stored on a system database, for the advantage of

offering more efficient control and centralized means for indexing/retrieving of files for transmission over the network.

Stumphauzer and Hendricks fails to teach f. providing real time user feedback regarding said entertainment files to update the user rating information stored on the database for subsequent streaming.

In an analogous art Shah-Nazaroff teaches f. providing real time user feedback regarding said entertainment files to update user rating information stored on the database for subsequent streaming (Paragraph 0025, 0027-0032).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Stumphauzer and Hendricks to include providing real time user feedback regarding said entertainment files to update user rating information stored on the database for subsequent streaming, as taught by Shah-Nazaroff, for the advantage of providing real-time information to the provider in order to determine content of interest and also providing clients an easy way to determine desirable content from the content that is currently available.

Consider **claim 2**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said plurality of entertainment files contain audio content (Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 3**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said plurality of entertainment files contain video content (Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 4**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said plurality of entertainment files contain both video and audio content (Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 5**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said audio content includes songs (Stumphauzer - Paragraph 0015 teaches programming can be any type of programming suitable for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 6**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said songs include a plurality of music genres (Stumphauzer - Paragraph 0021 teaches numerous music channels that features music from different genres such as country, contemporary, classical, rhythm and blues, etc).

Consider **claim 7**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said

plurality of music genres are categorized (Stumphauzer - Paragraph 0028

teaches that a specific selection of songs could be "artists from the eighties, or

baroque classical music." Paragraph 0029 teaches music can be ranked with

numbers, with the higher number taking precedence over the smaller one. As

shown on Fig. 6, the plurality of music can be prioritized according to rank

selections Fig. 6, 6070, thereby categorized by rank) and streamed for listening

through the user output device (Paragraph 0018 teaches processing a signal that

provides broadcast output of the signal for listening by a user. Fig. 2 and

paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s) Fig.2,

2170).

Consider **claim 8**, Stumphauzer, Hendricks, and Shah-Nazaroff teach said

video and audio content includes televised programming (Stumphauzer -

Paragraph 0015 teaches programming can be any type of programming suitable

for broadcasting such as music, radio shows, television programs, etc).

Consider **claim 11**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

that the first communication network is a satellite broadcasting system

(Stumphauzer Paragraph 0015 and 0017 teaches a satellite Fig.1, 1020 that is

used to relay/broadcast programming to users).

Consider **claim 13**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

said reception device includes a user database (Stumphauzer - Paragraph 0020

teaches a storage device Fig.2, 2180 at the receiver that contains a user playlist).

Consider **claim 51**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

that said user rating information comprise ratings assigned by that user to said

entertainment files (Stumphauzer - Paragraph 0029 teaches a ranking for each

program on the user playlist), said receiver reviewing the currently streaming

entertainment files, ranking those files based upon their ratings and retrieving the

file that meets user's preferences (Paragraph 0022 teaches the PDT contains

information about programming currently being broadcast and to be broadcasted

on each channel. Paragraph 0046-0050 teaches automatically tuning to the

specified channel containing content with a rank higher than the current content

being played. This is done by comparing the PDT {guide} with the user playlist

{user's preferences} and matching the corresponding preferred content).

Consider **claim 52**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

that said receiver reviews a current entertainment guide provided for the

streaming entertainment files to rank the files (Stumphauzer - Paragraph 0022

teaches the PDT contains information about programming currently being

broadcast and to be broadcasted on each channel. Paragraph 0046-0050

teaches automatically tuning to the specified channel containing content with a

rank higher than the current content being played. This is done by comparing the

PDT {guide} with the user playlist {user's preferences} and matching the

corresponding preferred content).

Consider **claim 53**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

that said current entertainment guide is transmitted over the first communication

network (Stumphauzer - Paragraph 0021 teaches transmitting channels of

programming over a satellite Fig.1, 1020, as several clusters. Paragraph 0022

teaches that the PDT that contains information about programming currently

being broadcast and to be broadcast on each channel is provided in each

cluster).

Consider **claim 54**, Stumphauzer, Hendricks, and Shah-Nazaroff teach

that said receiver first determines if the streaming entertainment file on the

current channel has an acceptable rating and if acceptable continues to stream

that entertainment file to the user output device (Stumphauzer - Paragraph 0049-

0050 teaches if a rating of the current file is acceptable, the current program

continues to play), otherwise said receiver selects another higher rated

entertainment file, tunes to the corresponding channel and streams that higher

rated entertainment file to the user output device (Paragraph 0049-0050 teaches

that if the program currently played can be interrupted, the higher ranked

program will automatically tuned to. Paragraph 0018 teaches processing a

signal that provides broadcast output of the signal for listening by a user. Fig. 2

and paragraph 0020 teaches a display Fig.2, 2160 and input/output device(s)

Fig.2, 2170).

6.   **Claims 9, 10, and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stumphauzer, II (US 2003/0014767) in view of Hendricks (US 6,201,536), in view

of Shah-Nazaroff et al. (US 2002/0053077), and further in view of Connelly

(2002/0194585).

Consider **claim 9**, Stumphauzer, Hendricks, and Shah-Nazaroff teaches

reception device provides communication over a communications medium

(Shah-Nazaroff - communications medium 150 – Fig. 1; Paragraph 00223-0024),

but fails to teach two way communications between the user and the system

server via the first communication network.

In an analogous art, Connelly teaches two way communications between

a user and a system server via a first communication network (Paragraph 0055

teaches that clients are provided with a bi-directional satellite backchannel where

client demand feedback can be sent back the broadcast operations center. The

broadcast server Fig.4A, 103A is loaded in the broadcast operations center Fig.4A, 126A).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Stumphauzer, Hendricks, and Shah-Nazaroff to include two way communications between a user and a system server via a first communication network, as taught by Connelly, for the advantage of providing feedback data via the same links reducing the amount of different communications parts needed.

Consider **claim 10**, Stumphauzer, Hendricks, and Shah-Nazaroff teaches reception device provides communication over a communications medium (Shah-Nazaroff - communications medium 150 – Fig. 1; Paragraph 00223-0024), but fails to teach said real time feedback is transmitted to the communication center via a second communication network.

In an analogous art, Connelly teaches real time feedback is transmitted to the communication center via a second communication network (Paragraph 0055 teaches client demand feedback can be sent back to the broadcast operations center via a telecommunications link. Telco Network Fig.4A, 113A is separate from satellite communications sytem).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Stumphauzer, Hendricks, and Shah-Nazaroff to have real

time feedback is transmitted to the communication center via a second

communication network, as taught by Connelly, for the advantage of providing

feedback data via a more reliable and traditionally used link in order to ensure

that feeback data is received by the provider.

Consider **claim 12**, Stumphauzer, Hendricks, Shah-Nazaroff, and

Connelly teaches that the second communication network is an internet

connection (Shah-Nazaroff - communications medium 150 – Fig. 1; Paragraph

00223-0024 teaches communications medium can be a variety of media

including internet; Connelly – Paragraph 0055 teaches feedback being sent via a

telecommunications link).

7.   **Claim 38** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Stumphauzer, II (US 2003/0014767) in view of Hendricks (US 6,201,536), and further in

view of Barrett et al. (US 6,005,597).

Consider **claim 38**, Stumphauzer teaches an entertainment system that

enables the selective transfer of entertainment files (Fig. 1) comprising:

a system server (Fig.1, 1100), said system server residing at a

communication center (Transmission Facility 1010 – Fig.1);

a system memory (Paragraph 0015 teaches prerecorded programming. It

is inherent that there is a system memory for the storage of prerecorded

programming), said system memory residing at the communication center
(Paragraph 0015 teaches Transmission facility Fig.1, 1010 [communication
center] that includes studious that produce programming for broadcast and
include numerous titles of prerecorded programming);

a plurality of entertainment files stored on the system memory (Paragraph
0015 teaches numerous different titles of prerecorded programming such as
music, radio shows, television programs, etc.), the plurality of entertainment files
for streaming transmission over a plurality of channels in a first communication
network (Paragraph 0021 teaches numerous channels transmitted from satellite
Fig.1, 1020 to a receiver Fig.1, 1040. The channels may contain different genre
types of content. Paragraph 0015 teaches that programming can be any type of
programming such as music, radio shows, television programs, etc.);

a receiver (Fig.1, 1040, Fig. 2), where the receiver reviews a current
entertainment guide for the streaming files, ranks those files based upon user
rating information assigned by the user and retrieves a file that meets a user's
preferences via the first communication network (Paragraph 0022 teaches the
PDT contains information about programming currently being broadcast and to
be broadcasted on each channel. Paragraph 0046-0050 teaches automatically
tuning to the specified channel containing content with a rank higher than the
current content being played. This is done by comparing the PDT [guide] with
the user playlist [user's preferences] and matching the corresponding preferred
content); and

a user output device, where said output device plays the retrieved

streaming entertainment file (Paragraph 0049-0050 teaches tuning to the

preferred content. Paragraph 0018 teaches processing a signal that provides

broadcast output of the signal for listening by a user. Fig. 2 and paragraph 0020

teaches a display Fig.2, 2160 and input/output device(s) Fig.2, 2170); and

Stumphauzer fails to disclose the system memory includes a system

database residing at a communication center and is accessible by the system

server;

a plurality of entertainment files stored on a system database are retrieved

by a system server for streaming, and

a user input device, where said input device enables a user to block play

of the retrieved and currently streaming entertainment file causing the receiver to

select another entertainment file that meets the user's preferences.

In an analogous art, Hendricks teaches a system database residing at a

communication center and is accessible by the system server (databases 262 –

Fig.3a, file server 215 – Fig.3a are accessible by the headend 208 – Fig.2)

a plurality of entertainment files stored on a system database are retrieved

by a system server for streaming (databases 262 – Fig.3a, file server 215; Col

28: lines 32-45), and

Therefore, it would have been obvious to one of ordinary skill in the art to

modify Stumphauzer's system to include a system database residing at a

communication center and is accessible by the system server; a plurality of

entertainment files stored on a system database are retrieved by a system server

for streaming, for the advantage of offering more efficient control and centralized

means for indexing/retrieving of files for transmission over the network.

Stumphauzer and Hendricks fails to disclose a user input device, where

said input device enables a user to block play of the retrieved and currently

streaming entertainment file causing the receiver to select another entertainment

file that meets the user's preferences.

In an analogous art Barrett teaches a user input device (remote control

1270 – Fig.12), where said input device enables a user to block play of the

retrieved and currently streaming entertainment file causing the receiver to select

another entertainment file that meets the user's preferences (Col 4: lines 15-56;

Col 7: line 49 – Col 40).

Therefore, it would have been obvious to one of ordinary skill in the art to

modify the system of Stumphauzer and Hendricks to include a user input device,

where said input device enables a user to block play of the retrieved and

currently streaming entertainment file causing the receiver to select another

entertainment file that meets the user's preferences, for the advantage of

allowing the user to end programs that are no longer desired and allowing for

quick identification of available programs that is of the greatest interest amongst

the multitudes of available programming (Barrett - Col 2: lines 22-25).

8.   **Claim 39** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Stumphauzer, II (US 2003/0014767) in view of Hendricks (US 6,201,536), in view of

Barrett et al. (US 6,005,597), and further in view of Shah-Nazaroff et al. (US

2002/0053077).

Consider **claim 39,** Stumphauzer and Hendricks teaches said user rating

information is stored in memory and retrieved for streaming transmission in the

first communication network (Stumphauzer - Paragraph 0032 teaches storing the

playlist containing rating information for each desired song. Paragraph 0034-

0035 teaches transmitting and downloading the playlist to the user device

through multiple transmission methods), said user input device enables a user to

interact via the receiver, where the user provides real time feedback including

blocking and rating said entertainment files to update the user rating information

stored (Fig.12; Col 6: line 48 – Col 7: line 40).

Hendricks further teaches user rating information stored on a system

database (databases 262 – Fig.3a; Col 26: lines 24-27, 28-31);

Therefore, it would have been obvious to one of ordinary skill in the art to

modify Stumphauzer's system to include user rating information stored on a

system database, for the advantage of offering more efficient control and

centralized means for indexing/retrieving of information for transmission over the

network.

Stumphauzer and Hendricks fails to teach a user input device interacting

with the system server and system database via the receiver, where the real time

feedback updates the user rating information stored on the system database for retrieval during subsequent streaming.

In an analogous art, Shah-Nazaroff teaches a user input device interacting with the system server and system database via the receiver, where the real time feedback updates the user rating information stored on the system database for retrieval during subsequent streaming (Paragraph 0042, 0051-0052 teaches an input device; Paragraph 0025, 0027-0032).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Stumphauzer and Hendricks to include a user input device interacting with the system server and system database via the receiver, where the real time feedback updates the user rating information stored on the system database for retrieval during subsequent streaming, as taught by Shah-Nazaroff, for the advantage of providing real-time information to the provider in order to determine content of interest and also providing clients an easy way to determine desirable content from the content that is currently available.

9.   **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Stumphauzer, II (US 2003/0014767) in view of Hendricks (US 6,201,536), in view of Shah-Nazaroff et al. (US 2002/0053077), and further in view of Durden et al. (US 2004/0250272).

Consider **claim 55,** Stumphauzer, Hendricks, and Shah-Nazaroff fails to disclose wherein if the current streaming entertainment file has been blocked by

the user and none of the other streaming files have a higher rating, said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and stream that next highest rated entertainment file to the user output device.

In an analogous art, Durden teaches wherein if the current streaming entertainment file has been blocked by the user and none of the other streaming files have a higher rating (Paragraph 0010, 0089 teaches the user specifying parts of content he wishes to not be presented), said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and stream that next highest rated entertainment file to the user output device (Paragraph 0011, 0098 teaches blocking the currently streamed filed because of parental control settings, ie: the portion of content was rated R. The blocked file can be substituted with an alternate channel/stream from the service provider. This alternate file that is shown contains a rating lower than that of the blocked content allowing it to be viewed by the user.

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Stumphauzer, Hendricks, and Shah-Nazaroff to include wherein if the current streaming entertainment file has been blocked by a user and none of the other streaming files have a higher rating, said receiver selects the next highest entertainment file having a rating equal to or less than the current entertainment file, tunes to the corresponding channel and stream

that next highest rated entertainment file to the user output device, as taught by

Durden, for the advantage of keeping the user entertained and occupied with

more suitable material when the unwanted material is no longer shown.

10.   **Claims 50 and 56** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Stumphauzer, II (US 2003/0014767) in view of Hendricks (US 6,201,536), in view

of Shah-Nazaroff et al. (US 2002/0053077), and further in view of Barrett et al. (US

6,005,597).

Consider **claim 50,** Stumphauzer, Hendricks, and Shah-Nazaroff teaches

wherein said user feedback includes, nothing (Shah-Nazaroff - Paragraph 0042-

0043, 0051-0052 teaches an input device that the user can use to provide input

to the receiver. The user is able to do nothing and not provide an input), and

rating the currently streaming entertainment file (Paragraph 0025, 0027-0032),

said receiver responding to the do nothing or rating by continuing to stream the

current entertainment file and responding to the blocking by tuning to a next

channel (The claim is worded in the alternative where the receiver provides a

response to only one type of feedback. The examiner has chosen to examine

the "do nothing" alternative. Shah-Nazaroff - Paragraph 0042-0043, 0051-0052

teaches an input device that the user can voluntarily choose to provide feedback.

Paragraph 0025 teaches that feedback can be given at anytime during the

broadcast. *The user is able to do nothing and not provide an input and still have the video continue to be shown*).

Stumphauzer, Hendricks, and Shah-Nazaroff fails to disclose blocking the currently streaming entertainment file.

In an analogous art, Barrett teaches blocking the currently streaming entertainment file (Col 4: lines 20-23, col 7: lines 2-5 teaches changing the channel, thereby blocking the currently streaming file).

Therefore, it would have been obvious to a person of ordinary skill in the art to modify the system of Stumphauzer, Hendricks, and Shah-Nazaroff to include blocking the currently streaming entertainment file, as taught by Barrett, for the advantage of allowing the user to end programs that are no longer desired, providing the user with complete control over the content that is presented to them from their entertainment device.

Consider **claim 56,** Stumphauzer, Hendricks, and Shah-Nazaroff teaches wherein said receiver is tuned to one said channel and streams the corresponding entertainment file to the user output device (Stumphauzer – Paragraph 0047 teaches the receiver is tuned to a channel and streams the entertainment file to the user), said user input device enables the user to do nothing (Shah-Nazaroff - Paragraph 0042-0043, 0051-0052 teaches an input device that the user can use to provide input to the receiver. The user is able to

do nothing and not provide an input), and rate the currently streaming

entertainment file (Paragraph 0025, 0027-0032), said receiver responding to the

do nothing or rating by continuing to stream the current entertainment file and

responding to the blocking by tuning to a next channel (The claim is worded in

the alternative where the receiver provides a response to only one type of

feedback. The examiner has chosen to examine the "do nothing" alternative.

Shah-Nazaroff - Paragraph 0042-0043, 0051-0052 teaches an input device that

the user can voluntarily choose to provide feedback. Paragraph 0025 teaches

that feedback can be given at anytime during the broadcast. *The user is able to*

do nothing and not provide an input and still have the video continue to be

shown).

Stumphauzer, Hendricks, and Shah-Nazaroff fails to disclose block the

currently streaming entertainment file.

In an analogous art, Barrett teaches block the currently streaming

entertainment file (Col 4: lines 20-23, col 7: lines 2-5 teaches changing the

channel, thereby blocking the currently streaming file).

Therefore, it would have been obvious to a person of ordinary skill in the

art to modify the system of Stumphauzer, Hendricks, and Shah-Nazaroff to

include block the currently streaming entertainment file, as taught by Barrett, for

the advantage of allowing the user to end programs that are no longer desired,

providing the user with complete control over the content that is presented to

them from their entertainment device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Lin whose telephone number is (571)270-1446. The examiner can normally be reached on Mon-Fri, 9:00AM-6:00PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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07/21/2007

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